

C O P Y

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in opinion

December 15, 1954

Richard C. Duncan
Assistant Attorney General

New Hampshire-Vermont Reciprocal Agreement

James J. Barry, Commissioner
N. H. Department of Public Welfare

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CONCORD, N.H.

Dear Mr. Barry:

You have inquired by your letter of December 9, 1954, whether in my opinion you have exclusive authority to approve the return of poor and indigent persons from the State of Vermont to New Hampshire. It is my opinion that you do have such authority. The agreement is designed to permit and authorize the return of certain poor and indigent persons from either State to the other where such person is the responsibility of the other State. Paragraph (5) provides that no person shall be transferred unless "the contracting officials of both States" find that the person's welfare and the public good will be promoted by the transfer. The contracting official on behalf of the State of New Hampshire is the Commissioner of Public Welfare. Paragraph (6) speaks of authority being given for transfer and transportation, and it is my opinion that this authority would be given on behalf of this State by the Commissioner of Public Welfare.

It is, therefore, my opinion that you as Commissioner of Public Welfare have exclusive authority to authorize the transfer and transportation of a poor and indigent person from Vermont to New Hampshire in accordance with the terms of the agreement and upon your determination that such person is the responsibility of a political sub-division of this State.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/sml